WEST SPRINGFIELD POLICE DEPARTMENT

VEHICULAR PURSUIT

POLICY & PROCEDURE NO. **1.04**	ISSUE DATE: _____
	EFFECTIVE DATE: _____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: **41.2.2; 41.2.3**	REVISION DATE: January 5, 2024

I. GENERAL CONSIDERATIONS AND GUIDELINES

Vehicular pursuits are necessary to effectuate the enforcement of criminal and motor vehicle laws. Many of these pursuits are inherently dangerous and, therefore, create some risk of injury to the pursuing officer(s), the occupant(s) of the pursued vehicle, and the public at large.

The primary purpose of this policy is to secure a balance between the need to protect the lives of the public and the occupants of the pursued vehicle, and the obligation of police officers to enforce laws and apprehend violators.

This policy also recognizes that vehicular pursuits do not automatically occur when officers activate their emergency warning equipment in an attempt to effectuate a lawful motor vehicle stop or when following and observing a motor vehicle.[1]

Motorists occasionally may not immediately see or hear an officer's emergency warning equipment, or may not realize that they are the target of an officer’s efforts.

Officers may be required to follow a motorist with emergency warning equipment activated for a significant distance before that motorist actually stops the vehicle.

Consequently, an officer's lawful attempt to stop a motorist is not considered a vehicular pursuit subject to the requirements and restrictions of this policy unless

and until such time as the officer reasonably believes (i.e., has "reasonable suspicion") that the motorist is intentionally ignoring the officer or actively attempting to elude the officer. (Keep in mind that, under the Massachusetts Constitution, a pursuit constitutes a "seizure" and must be justified by reasonable suspicion. This state's courts have ruled that as soon as an officer activates a cruiser's blue lights or siren, the seizure has occurred.) Events subsequent to police pursuit, including efforts to elude or flee from the police, cannot be used to supply the requisite reasonable suspicion to justify a prior investigatory stop.[2]

Pursuing officers and supervisory personnel must weigh the risk of a pursuit against the necessity to apprehend a vehicle's occupant.

In determining whether or not to pursue, officers and supervisors must consider many factors.

A practice of prohibiting all pursuits would encourage operators so inclined to simply not stop when signaled to do so. Allowing pursuits under all circumstances would unnecessarily put people at risk.

Since numerous unique situations arise in law enforcement, it is impossible for this policy to anticipate all possible vehicular pursuit circumstances. Therefore, in unusual situations, an officer should use common sense and consult with a supervisor whenever possible.

II. POLICY

It is the policy of this department that officers should make every attempt to apprehend a suspect fleeing in a motor vehicle, however, attempts to apprehend the suspect shall not be continued to such an extent as to unreasonably endanger the lives of uninvolved individuals, officers, or the suspect(s) involved.

III. DEFINITIONS

A. *Authorized Police Vehicle*: A police department motor vehicle equipped with operable audible and visual emergency warning equipment.

B. *Primary Unit:* An authorized police vehicle that is the first vehicle behind the pursued vehicle.

C. *Secondary Unit*: An authorized police vehicle that is actively involved in the pursuit behind the primary unit as backup.

D. *Supervisor*: The Shift Commander or other person-in-charge.

E. *A Failure to Stop* situation exists when there is an attempt to apprehend a vehicle by an officer and the following conditions exist;
1. The suspect is unaware of the officer's presence and efforts to apprehend the vehicle; or
2. The suspect is aware of the officer's presence and refuses to stop, but the speed of the vehicle is not greater than reasonable within the existing conditions,

and there is no attempt by the suspect to evade the officer by violating any laws, other than failure to stop for the officer's signal.

F. *A Pursuit* exists when an officer has made an effort to stop a vehicle and the following conditions exist;
1. The offending vehicle is being operated at a speed greater than reasonable with the existing conditions, or;
2. The suspect is attempting to evade apprehension by committing flagrant violations of the law, aside from the failure to stop.

G. *Densely Populated Area*: An established area of a city or town that is thickly settled and/or composed of a business district marked by compactness, with pedestrian and vehicular traffic.

IV. PROCEDURE

A. Authorization

1. An officer is authorized to engage in a pursuit of a suspect vehicle that is attempting to evade apprehension, only in the following situations;
   a. The pursuing officer(s) has probable cause to believe that the person who they are attempting to apprehend has committed a serious felony
   b. When a suspect vehicle operator, who has committed flagrant violations, was operating in a reckless manner before the pursuit was initiated, and is continuing to operate in a manner that reckless endangers the lives and safety of others (i.e. operating under the influence of alcohol, drugs, etc.)
2. The intention of this policy is to limit the use of pursuits to the most serious of circumstances, thereby effectively limiting the exposure of officers, suspects, and members of the public to the possible serious consequences of such pursuits.
3. Pursuit is clearly inappropriate and will not be authorized when the pursuit itself has a higher potential for serious injury or loss of life than does the threat posed by the escape of the suspect

B. Prohibited

1. No officer shall continue a pursuit after having been directed to discontinue the pursuit by a supervisor.

2. No officer shall continue a pursuit after having lost radio communications with the dispatcher.

3. No officer shall initiate or continue a pursuit on a divided highway in the opposite direction of the flow of vehicular traffic. In the event that a vehicle being pursued enters a divided highway or limited access highway the wrong way, the pursuit vehicle(s) should consider the following options;

   a. Attempt to maintain pursuit of the suspect vehicle on the proper side of the highway
   b. Direct other units to observe and intercept the vehicle at various openings or on or off ramps available to the suspect vehicle.

4. Unless authorized by a supervisor, no officer (other than the officers in the primary and secondary units) shall engage in the main pursuit or pursue on parallel streets.

5. No officer shall participate in a pursuit with a civilian present in the authorized police vehicle.

6. No officer shall participate in a pursuit of a motorcycle for minor traffic violations if the officer knows the motorcycle's registration number or the identity of the operator.

7. No officer shall participate in a pursuit in their personal vehicle.

8. No officer operating a motorcycle shall be the primary unit in a pursuit. Motorcycle officers should be secondary units only when it is determined by a supervisor that their presence is needed for officer safety. In any event extreme care should be exercised by the motorcycle officer in these situations.

B. Pursuit Decisions [41.2.2(a)]

1. TARGET VEHICLE FACTORS

Officers shall consider the following in deciding whether to initiate or continue a vehicle pursuit:

a. Does the continued operation of the vehicle the officer intends to stop pose a risk of physical harm to the officer, the public, or others?

b. Do the occupant(s) of the vehicle the officer intends to stop pose a risk of physical harm to the public or others?

c. Are the occupant(s) of the vehicle wanted for the commission of felonious acts that threaten, have threatened, or will threaten the health, life, or safety of a person or persons?

d. Is the operator or wanted passenger known to the police, and is later apprehension possible?

e. Are other persons in the pursued vehicle?

f. What are the driving skills of the operator of the vehicle being pursued?

2. ENVIRONMENTAL FACTORS: Officers shall consider the following in deciding whether to initiate or continue a vehicle pursuit:

a. Population density (including volume of pedestrian traffic);

b. Nature of the area (residential, commercial, school zone, and the volume type, speed and direction of vehicular traffic);

c. Officer's familiarity with the area;

d. Road and weather conditions;

e. Time of day;

f. Speeds involved;

g. Driving skills of the officer and the performance capabilities of the pursuit vehicle and the vehicle being pursued;

h. Operational status of emergency warning equipment; and

i. Quality of radio communications.

C. Pursuit Operations

1. GENERALLY

a. When engaged in a pursuit, officers shall exercise due care for the safety of the public and shall comply with all of the provisions of M.G.L. c. 89, §7B (Operation of Emergency Vehicles), as follows:

1) The driver of any police department vehicle shall be subject to the provisions of any statute, rule, regulation, ordinance or bylaw relating to the operation or parking of vehicles, including stopping for a school bus with red lights flashing which has stopped to allow passengers to alight or board, except:

a) The driver may exceed the speed limit if [s]he exercises caution and due regard under the circumstances for the safety of persons and property; and

b) The driver may drive through an intersection contrary to traffic signs or signals if [s]he first brings the vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property.

2) Upon engaging in a pursuit, the primary unit and, if involved, secondary unit shall activate emergency warning equipment.

b. No officer will drive with reckless disregard for the safety of other road users.

2. POLICE VEHICLES [41.2.2(D)]

a. Any authorized police vehicle may initiate a pursuit.

b. Unmarked vehicles must relinquish the pursuit to marked police vehicles when such marked vehicles join the pursuit.

c. Specialty vehicles will relinquish the pursuit to marked police vehicles when they join in the pursuit.

d. See preceding section on motorcycles.

3. PRIMARY UNIT [41.2.2(B)]

a. The primary unit is usually the officer who initiates the pursuit and becomes the first police vehicle behind the vehicle being pursued.

b. The primary unit shall notify the dispatcher of the pursuit, including:

1) The location where the pursuit was initiated;

2) The direction of the fleeing vehicle;

3) The description of the pursued vehicle and registration number, if known;

4) The reason for the pursuit; and

5) The estimated speeds of the vehicles.

c. The primary officer shall keep the dispatcher updated on the pursuit at regular intervals until relieved of this duty by the secondary officer.

d. Subject to the direction of a supervisor, the officer operating the primary unit is vested with the authority to decide and direct the pursuit actions.

e. The officer operating the primary unit shall continually re-evaluate and assess the pursuit. The officer shall terminate the pursuit, even in the absence of an order to terminate by a supervisor, when that officer reasonably believes that the foreseeable risks to the officer, the public or others arising from a continued pursuit are greater than the threat to public safety, should the pursued vehicle be allowed to escape.

f. The pursuing officer shall notify the dispatcher or communications center when it is likely that a pursuit will continue into a neighboring jurisdiction.

4. SECONDARY UNIT [41.2.2(C)]

a. The secondary unit shall maintain a safe distance behind the primary unit, but should remain close enough to provide assistance if required.

b. The secondary unit shall assume radio communications, allowing the primary unit to concentrate on driving.

D. Responsibilities of Dispatcher [41.2.2(e)]

1. Upon being informed of a pursuit in progress, the dispatcher shall:

a. Immediately notify the supervisor or officer-in-charge;

b. Receive and record all incoming information on the pursued vehicle;

c. Advise all other units that a pursuit is in progress, providing all relevant information;

d. Perform relevant record and motor vehicle checks as expeditiously as possible;

e. Coordinate assistance of other officers under the direction of the supervisor;

f. Notify affected law enforcement agencies over appropriate communications systems, and seek their assistance if the pursuit is proceeding into another jurisdiction;

g. Notify all affected agencies when a pursuit has been terminated or if apprehension has been made; and

2. The dispatcher shall minimize radio traffic to allow the pursuing vehicles to communicate.

E. Responsibilities of the Supervisor [41.2.2(f)]

1. Upon becoming aware of a pursuit, the supervisor shall evaluate the totality of the circumstances pursuant to this policy and determine whether the pursuit should continue.

2. If the supervisor determines that a pursuit should continue, [s]he shall continuously re-evaluate the need for continuing the pursuit.

3. The supervisor shall coordinate activities as needed to ensure that proper procedures are followed.

4. The supervisor may authorize officers in addition to the primary and secondary units to engage in the pursuit and/or a parallel pursuit in exceptional circumstances, or if the supervisor reasonably believes that there is a substantial likelihood of serious physical injury or death should additional officers not participate.

5. The supervisor, or dispatcher acting under the express direction of the supervisor may terminate the pursuit at any time and shall terminate the pursuit if [s]he believes that the foreseeable risks to the pursuing officers and to the public, arising from the continued pursuit, are greater than the foreseeable threat to public safety should the pursued vehicle be allowed to escape.

6. The supervisor may authorize the resumption of a pursuit when [s]he believes that circumstances have changed, thereby warranting the resumption of the pursuit in accordance with the criteria of this policy.

7. When it is feasible and when authorized, a supervisor should respond to the location where a vehicle has been stopped following a pursuit.

F. Inter-Jurisdictional Pursuits [41.2.2(h)]

1. PURSUITS INITIATED BY THIS DEPARTMENT

a. Pursuit initiated by members of this department may continue into another jurisdiction when done in conformance with applicable Massachusetts General Laws, department policies, and inter-jurisdictional agreements.

1) Outside the Commonwealth: On fresh and continued pursuit, a police officer may pursue a person who has committed a felony into any neighboring state and arrest that person.[3]

2) Within the Commonwealth: A police officer may make an arrest outside his/her jurisdiction on fresh and continued pursuit provided:

a) The offense is one for which the officer would have the right of arrest without a warrant within his/her jurisdiction;

b) The offense was committed in the officer's presence; and

c) The offense was committed within the officer's jurisdiction.[4]

NOTE: If this department has a Mutual Aid Agreement with another municipality, such agreement may address situations under which officers from one department may pursue motorists into the other community; if so, the terms of the agreement may grant additional rights beyond those in the state's "fresh and continued pursuit" statute.

b. Requests for Assistance: When this department has initiated a pursuit, timely notification of a pursuit in progress shall be provided to any other jurisdiction into which the pursuit enters.

1) Merely notifying another jurisdiction that a pursuit is in progress is not a request to join the pursuit. The department shall advise if assistance is necessary.

2) Whenever the pursuing officers are unfamiliar with the roadways and terrain of the jurisdiction into which the pursuit has entered, or whenever radio communication is lost, the pursuing officers shall, when possible, seek the assistance of, and be prepared to relinquish the pursuit to, the other agency.

2. PURSUITS INITIATED BY OTHER DEPARTMENTS: INTRA JURISDICTIONAL: Officers shall not become involved in another agency's pursuit without notifying and specifically receiving authorization from their supervisor.

G. Termination of a Pursuit [41.2.2(g)]

1. TERMINATION:

a. A pursuit shall be terminated if the foreseeable risks to the pursuing officers and to the public arising from the continued pursuit are greater than the foreseeable threat to public safety should the pursued vehicle be allowed to escape.

b. When a decision is made to terminate a pursuit, the primary and secondary units shall immediately reduce their speeds to within the posted speed limits and shall deactivate their emergency warning equipment.

c. It is recognized that, upon terminating a pursuit, the pursuing units are not required to bring their vehicles to a stop and/or head in the opposite direction of the former target vehicle. The primary and secondary units may continue to operate their vehicles in the same direction as the previously pursued vehicle, so long as they maintain a safe distance, and their actions do not constitute an active attempt to continue the pursuit.

2. RESUMPTION OF A TERMINATED PURSUIT: O nce a pursuit has been terminated, the primary, secondary, and other units aware of the pursuit may not re-engage the pursuit without authorization from a supervisor.

H. After-Action Reporting

1. REPORTING [41.2.2(l)]

a. Whenever an officer engages in a pursuit, [s]he shall file a written report detailing the circumstances.

b. Within three days of the pursuit, the supervisor who oversaw the pursuit shall submit a summary report to the Administrative Captain. The summary report shall include the following;

1. Date, time, and location of the pursuit

2. Length of time involved and distance traveled.

3. Primary Officer(s) involved

4. Any assisting officer(s)/units and supervisors involved.

5. Initial reason for pursuit

6. The department number designation of the cruiser(s) involved and the highest speeds attained

7. Description of the suspect's vehicle and highest speeds attained

8. Disposition of the pursuit;

a. Termination by officer(s) involved or by the supervisor

b. Apprehension or escape of suspect

c. Any injuries and how they were sustained

d. If traffic accidents resulted, a summary of same

e. Notifications that were made

9. Additionally, if a traffic collision resulted, the following action shall be taken;

a. If the collision occurred within the jurisdiction of this city, an accident report and investigation will be completed by the supervisor

b. If the collision occurred outside the jurisdiction of the city, a copy of the investigating jurisdiction's accident report is to be obtained and included.

2. EVALUATION AND ANALYSIS

a. After action reports shall be evaluated by the Chief or his designee, not involved in the pursuit to determine if there has been compliance with departmental policies and regulations. [41.2.2(i)]

a. The department shall annually analyze pursuit activities for the purpose of identifying any improvements in this pursuit procedure and shall implement modifications to this procedure if warranted. A review of incidents involving vehicle pursuits may reveal patterns or trends that indicate training needs and/or policy modifications. Such reviews may include: [41.2.3; 41.2.2(j)]

1) Number of pursuits;

2) Date and time (shift);

3) Original offense;

4) Reason for terminating the pursuit;

5) Whether spike strips were used;

6) Injuries;

7) Property damage;

8) Whether emergency lights and siren were used;

9) Whether a supervisor took control of the pursuit;

10) Supervisor: years on the job;

11) Primary Officer: years on the job;

12) Average length and distance of the pursuit;

13) Whether the pursuit left this agency's jurisdiction;

14) Suspect information;

15) Whether the pursuit appeared to comply with agency policy; and,

16) Training issues identified.

I. *Forced Stopping [41.2.3]*

1. TIRE DEFLATION DEVICES:

a. Tire deflation devices should be used, when practicable, where there is an agreement between the primary unit and the officer who will deploy the device.

b. The officer deploying the tire deflation device shall only do so when that officer has been trained in its use and believes that the device can be deployed safely.

2. BOXING-IN

a. Boxing-in may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the driver and/or occupants of

the vehicle pose a clear and immediate threat of death or serious physical injury to the public and/or other occupants of the pursued vehicle.

b. This tactic may be utilized only when authorized by a supervisor, and it is reasonable to believe that allowing the vehicle to escape will not reduce the perceived risk of death or serious physical injury to the public and/or the occupants of the pursued vehicle.

a. Boxing-in may not be utilized when tire deflation devices are a viable option.

2. HEADING OFF

a. Heading off may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the driver and/or occupants of the vehicle pose a clear and immediate threat of death or serious physical injury to the public and/or other occupants of the pursued vehicle.

b. This tactic may be utilized only when authorized by a supervisor, and it is reasonable to believe that allowing the vehicle to escape will not reduce the perceived risk of death or serious physical injury to the public and/or the occupants of the pursued vehicle.

c. Heading off may not be utilized when the use of tire deflation devices is a viable option.

3. ROADBLOCKS

a. Roadblocks may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the driver and/or occupants of the vehicle pose a clear and immediate threat of death or serious physical injury to the public and/or other occupants of the pursued vehicle.

b. This tactic may be utilized only when authorized by a supervisor, and it is reasonable to believe that allowing the vehicle to escape will not reduce the perceived risk of death or serious physical injury to the public and/or the occupants of the pursued vehicle.

c. Roadblocks may not be utilized when the use of tire deflation devices is a viable option.

1) A supervisor shall be present at the scene and direct type, location and setup of the roadblock.

2) Police vehicles being utilized as barricades shall display full emergency lights, and no one shall remain in the vehicle(s).

3) The roadblock must be established in such a location as to allow vehicles approaching at high speeds sufficient time to stop and not to cause a collision.

4) Any roadblock should provide an "escape route" should the vehicle refuse to stop.

5) Officers should position themselves a safe distance from the barricade, with appropriate site observation.

4. VEHICLE CONTACT ACTION

a. Vehicle contact action may only be utilized when the use of deadly force is justified and such action is taken in conformance with the department policy on the Use of Deadly Force.

b. This tactic may not be utilized when any of the tactics authorized in this section are viable options.

5. USE OF FIREARMS:

a. Discharging a firearm at a moving vehicle by an officer is prohibited, except to defend said officer or another when the occupant of the pursued vehicle is employing deadly force which the officer reasonably perceives as an imminent threat of death or physical injury, and the officer reasonably believes that [s]he will not endanger innocent persons.

b. Shooting at a fleeing vehicle or a vehicle that is going away from the officer and is no longer an immediate threat is prohibited. Under such circumstances, officers should be aware of the potential inability of a bullet to penetrate metal or glass surfaces of an automobile and the likelihood of ricocheting bullets causing injury to innocent persons.

[1] *Commonwealth v. Starr*, 55 Mass. App. Ct. 590, 773 N.E.2d 981 (2002).

[2] *Commonwealth v. DaSilva*, 56 Mass. Ct. App. Ct. 220, 775 NE2d 1269 (2002).

[3] M.G.L. c. 276, §10A.

[4] M.G.L. c. 41, §98A.